## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,		) 8:16CR114
	Plaintiff,	0.10CK114
	vs.	DETENTION ORDER
MICHAEL GRAEF,		
	Defendant.	
A.	Order For Detention After conducting a detention hearing purs Act on April 4, 2016, the Court orders the to 18 U.S.C. § 3142(e) and (i).	suant to 18 U.S.C. § 3142(f) of the Bail Reform e above-named defendant detained pursuant
B.	conditions will reasonably assure  X By clear and convincing evidence	tion ion because it finds: ridence that no condition or combination of the appearance of the defendant as required. that no condition or combination of conditions of any other person or the community.
C.	contained in the Pretrial Services Repor  X (1) Nature and circumstances of  X (a) The crime: delivery of U.S.C. § 841(a)(1) ca imprisonment; the pos offense (Count II) in minimum sentence of t imprisonment.  (b) The offense is a crime (c) The offense involves a	the offense charged: methamphetamine (Count I) in violation of 21 arries a maximum sentence of twenty years session of a firearm during a drug trafficking violation of 18 U.S.C. § 924(c) carries a en years imprisonment and a maximum of life of violence.
	may affect wh The defendar X The defendar X The defendar The defendar The defendar ties. Past conduct X The defendar The defendar The defendar The defendar	at appears to have a mental condition which nether the defendant will appear. In that has no family ties in the area. In that has no steady employment. In that has no substantial financial resources. It is not a long time resident of the community. In the defendant:  In that has a history relating to drug abuse. In that a history relating to alcohol abuse. In that a significant prior criminal record. In that a prior record of failure to appear at

(b) At the time of the current arrest, the defendant was on:

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(c)	Probation Parole Release pending trial, sentence, appeal or completion of sentence.  Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
releas	nature and seriousness of the danger posed by the defendant's se are as follows: The nature of the charges in the Indictment and the dant's substance abuse and criminal history.
In det on the which <u>X</u> (a)	ermining that the defendant should be detained, the Court also relied following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) the Court finds the defendant has not rebutted:  That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:
<u>X</u> (b)	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:  X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.  X (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 4, 2016.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge